

46 Am. Jur. 2d Judges § 113

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Judges

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IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

3. Relationship as Grounds for Disqualification

a. Relationship to Parties or Persons Interested

§ 113. Nature of judge's relationship to party as grounds for disqualification—Degree; computation

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West's Key Number Digest

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Constitutions, statutes, or rules generally specify the degree of relationship to a party that will disqualify a judge.¹ The method of computing degrees of consanguinity under the common law is to begin at the common ancestor and move downwards, and in whatever degree the two persons are the most distant from the common ancestor, that is the degree in which they are related to each other. Thus, in computing the relationship between a judge and a first cousin, a grandparent is their common ancestor from whom they are two generations removed and, therefore, they are related in the second degree of consanguinity.² The method of calculating degrees of relationship under the civil law method, on the other hand, requires that one count upward from the decedent to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts, so that brothers are related in the second degree.³ Under either method, the degrees of affinity are computed in the same way as the degrees of consanguinity.⁴

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Footnotes

- ¹ § 111.
- ² *Morton v. Benton Pub. Co., Inc.*, 291 Ark. 620, 727 S.W.2d 824 (1987).
- ³ *Georgia Power Co. v. Watts*, 184 Ga. 135, 190 S.E. 654, 110 A.L.R. 465 (1937).
Where, under a particular recusal statute, kinship is determined under the civil law system, the relationship must be such that the judge and person in interest have a common ancestor, and a trial judge was not required

to disclose that his daughter was married to the prosecutor's brother. [State v. Fullerton](#), 684 S.W.2d 59 (Mo. Ct. App. W.D. 1984).
4 [Bliss v. Tyler](#), 149 Mich. 601, 113 N.W. 317 (1907).

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